

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Shinichi HASEGAWA et al.)	Group Art Unit: 3663
)	
Application No.: 10/822,072)	Examiner: Tuan C. To
)	
Filed: April 8, 2004)	
)	
For: ONBOARD APPARATUS,)	Confirmation No.: 2104
NAVIGATION SYSTEM, AND)	
METHOD FOR SETTING DISPLAY)	
SCREEN)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request a pre-appeal brief review of the Final Office Action mailed January 14, 2009. This Request is being filed concurrently with a Notice of Appeal.

I. Requirements For Submitting a Pre-Appeal Brief Request for Review

Applicants have met each of the requirements for a pre-appeal brief review of rejections set forth in an Office Action. The application has been at least twice rejected. Applicants have filed a Notice of Appeal with this Request, and have not yet filed an Appeal Brief. Applicants submit this Pre-Appeal Brief Request for Review that is five (5) or less pages in length and sets forth legal or factual deficiencies in the rejections. See Official Gazette Notice, July 12, 2005.

II. Status of the Claims

In the Final Office Action, the Examiner rejected claims 1, 12, 14, and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2003/0097211 to Carroll et al. ("*Carroll*") and U.S. Patent No. 6,636,790 to Lightner et al. ("*Lightner*"); rejected claims 2 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Carroll*, *Lightner*, and U.S. Patent Application Pub. No. 2004/0210363 to Kataghishi ("*Kataghishi*"); and rejected claim 13 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Carroll*, *Lightner*, and U.S. Patent Application Pub. No. 2005/0203684 to Borgesson ("*Borgesson*").

III. The rejection of Claims 1, 12, 14, and 16 under 35 U.S.C. §103(a) as being unpatentable over *Carroll* and *Lightner*

Applicants respectfully traverse the rejection of claims 1, 12, 14, and 16 under 35 U.S.C. §103(a). A *prima facie* case of obviousness has not been established.

Independent claim 1 recites an apparatus including, for example, "getting means for automatically getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle." Independent claim 14 recites an apparatus including, for example, "getting means for automatically getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle." *Carroll* and *Lightner* fail to disclose or suggest at least the claimed getting means of each of claim 1 and claim 14.

The Examiner concedes that *Carroll* does not disclose, "getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle" (emphasis added), as recited in claim 1 (Final Office Action at page 4). The Examiner also concedes that *Carroll* does not disclose, "getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle" (emphasis added), as recited in claim 14 (Final Office Action at page 4).

Contrary to the Office Action's assertions, *Lightner* fails to cure these deficiencies of *Carroll*. *Lightner* discloses, "a data collector/router 35 in electrical contact with a vehicle's OBD/ECU system 100. The two systems connect through a conventional OBD-II connector 120 typically located under the vehicle's dashboard . . . [in which] connector 120 has a serial, 16 cavity-layout . . . [and] the OBD-II connector 120 has a standard mechanical interface, data transmitted through it may have a format and pass through cavities that depend on the vehicle's make and model. For example, Ford and General Motors vehicles use an OBD data format called 11850; data in this format pass through cavities 2 and 10" of connector 120 (emphasis added) (col. 6, line 53 - col. 7, line 3). Thus, *Lightner* discloses that a data format of data depends on a vehicle's model. This is in contrast to the claimed feature of "getting vehicle model information from the vehicle by determining a shape of a connector used to attach the onboard apparatus to the vehicle" (emphasis added), as recited in claim 1.

Notwithstanding the above, *Lightner* also does not disclose or suggest, "getting vehicle model information from the vehicle by determining a formed position of a connector used to attach the onboard apparatus to the vehicle" (emphasis added), as recited in claim 14.

The Examiner seems to allege that *Lightner* discloses that the "shape of the connector (120) is defined by its format, and the vehicle's model information is obtained based on this format" (Final Office Action at page 9). This is not correct. As set forth above, *Lightner* discloses that "connector 120 has a **standard** mechanical interface (shape), [while] data transmitted through it may have a format and pass through cavities that depend on the vehicle's make and model." Thus, *Lightner* does not teach or suggest connectors with different formats, but rather a connector with a standard interface and different data formats that pass through different cavities of the connector. Furthermore, *Lightner* merely discloses that the data format depends on a vehicle's make and model. *Lightner* also does not teach or suggest obtaining a vehicle's model information based on the data format. In fact, *Lightner* discloses that different vehicles models use the same data format (col. 7, lines 1-5).

The Examiner also seems to allege that *Lightner* discloses that the "data collector/router (35) having a processor (104) for automatically getting vehicle model

information from the vehicle's OBD's system by determining a formed position of the connector (120) . . . , where in the formed position of the connector is the position of each cavities defined by a number from the 16-cavity layout. For instance, the numbers 2 and 10 for the format J1850" (Final Office Action at page 9). This is also not correct. As set forth above, *Lightner* merely discloses different data formats that pass through different cavities of the connector. *Lightner* also does not teach or suggest anything related to "determining a formed position of a connector" (emphasis added), as recited in claim 14.

Accordingly, *Carroll* and *Lightner* fail to render the subject matter of either claim 1 or 14 obvious. Claims 12 and 16 depend from independent claims 1 and 14, respectively, and are thus allowable for at least the same reasons as claim 1 and claim 14.

IV. The rejection of Claims 2 and 15 under 35 U.S.C. §103(a) as being unpatentable over Carroll, Lightner, and Kataghishi

Applicants respectfully traverse the rejection of claims 2 and 15 under 35 U.S.C. §103(a). A *prima facie* case of obviousness has not been established.

Claims 2 and 15 depend from independent claims 1 and 14, respectively, and are thus allowable over *Carroll* and *Lightner* for at least the same reasons as claim 1 and claim 14. *Kataghishi* fails to cure the deficiencies of *Carroll* and *Lightner*. *Kataghishi* discloses a "[v]ehicle control system" (Abstract). *Kataghishi* fails to disclose the getting means recited in either claim 1 or claim 14.

Accordingly, *Carroll*, *Lightner*, and *Kataghishi* fail to render the subject matter of claims 2 and 15 obvious.

V. The rejection of Claims 13 and 17 under 35 U.S.C. §103(a) as being unpatentable over Carroll, Lightner, and Borgesson

Applicants respectfully traverse the rejection of claims 13 and 17 under 35 U.S.C. §103(a). A *prima facie* case of obviousness has not been established.

Claims 13 and 17 depend from independent claims 1 and 14, respectively, and are thus allowable over *Carroll* and *Lightner* for at least the same reasons as claim 1 and claim 14.

Borgesson fails to cure the deficiencies of *Carroll* and *Lightner*. *Borgesson* discloses "a system for performing procedures to request repair" (Abstract). *Borgesson* fails to disclose the getting means recited in either claim 1 or claim 14.

Accordingly, *Carroll*, *Lightner*, and *Borgesson* fail to render the subject matter of claims 13 and 17 obvious.

VI. Conclusion

In view of the foregoing, claims 1, 2, and 12-17 are in condition for allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 10, 2009

By: _____



Eli Mazour
Reg. No. 59,318
direct: (202) 408-4320